
**SUBMISSION TO
THE NATIONAL REVIEW OF TEACHER REGISTRATION
PETER S JOHNSON
COKEHILL CONSULTING**

I welcome the opportunity to make a submission to the National Review of Teacher Registration.

In so doing I will concentrate on three of the focus questions canvassed in the discussion paper published by the Australian Institute for Teaching and School Leadership, specifically:

- Should early childhood teachers be part of a national approach to teacher registration?
- How does teacher registration support entry into the teaching profession?
- How can we ensure that registered teachers satisfy the fit and proper person requirement?

Limiting this response to the above three questions is not to suggest that the other focus questions are not significant nor that there are not other matters which should be addressed.

1. Should early childhood teachers be part of a national approach to teacher registration?

The nature of the employment of early childhood teachers across the various education sectors and service providers contributes to a diversity of professional recognition which detracts from the significant value these teachers contribute to the initial education of Australian children.

In New South Wales, the public education system has a limited number of preschool classes located within public schools, providing an obvious commencement to the preschool to Year 12 learning continuum.

Teachers employed to teach these classes are expected to meet the same employment requirements under the *Teacher Accreditation Act 2004*¹ as all other public school teachers and are paid in accordance with the *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award*².

The practical application of this employment arrangement is that public school early childhood teachers may be appointed to permanent teaching positions in schools which include preschool to Year 6 classes. This opens up opportunities for those teachers to teach older students and to aspire to executive and principal roles.

The other reality is that, as teachers approved to work casually in public schools, they are able to be employed as casual and temporary teachers from preschool to Year 12.

¹ <https://www.legislation.nsw.gov.au/#/view/act/2004/65/full>

² New South Wales Industrial Relations Commission (2017), *Crown Employees (Teachers in Schools and Related Employees) Salaries and Conditions Award*, in Industrial Gazette Vol. 381 Part 2 p237

The annualised maximum pay rate for a 48 week per year teacher under the relevant Fairwork Modern Award, the *Educational Services (Teachers) Award 2010 [MA000077]*³, is comparable with the minimum annual salary rate for similarly qualified early childhood teachers in public schools, and around \$40,000 per annum below the maximum rate for similarly qualified early childhood teachers in public schools.

The disparity of the two award rates has the propensity to contribute to an imbalance in the recruitment capacity under each and a consequent propensity to have two standards of educational service delivery across the early childhood sector.

There are similar examples across Australia where some public education jurisdictions do the “heavy lifting” of the provision of early childhood education and others where the public education system plays a lesser role.

While this may not appear to be an issue necessarily relevant to national registration of these workers, a consistent approach to registration and professional recognition could lead to increased mobility and a gravitation towards consistency of pay and conditions across the sectors and across the states and territories.

The most obvious extension of this consistency is the transference to the quality of education delivered to children in early childhood schools and settings, and the outcomes achieved by those children.

This more consistent approach would likely contribute to many more children starting their “formal” schooling on an even par.

The articulation of the teaching standards as relevant to teachers in the various school and non-school early childhood settings provides an obvious gateway to consistency for teachers entering this sector of the profession.

The further articulation of those standards into the recruitment, assessment of performance and the development of those teachers provides a solid basis consistent with the rest of the profession.

2. How does teacher registration support entry into the teaching profession?

In addressing the issue of registration supporting entry into the teaching profession it is important to recognise that not all those entering the teaching profession in Australia are inexperienced teachers.

Australia schools and teacher employers receive many applications for employment from overseas trained teachers, many of whom have taught in one or multiple overseas jurisdictions. While these teachers are not necessarily inexperienced, most are certainly not familiar with the Australian context of teaching.

³ https://www.fwc.gov.au/documents/documents/modern_awards/award/ma000077/default.htm

There is therefore a need to consider those recently graduating from Australian universities, those entering the Australian profession from overseas and, additionally, a third group, those who may have graduated at some stage in the past without immediately commencing their teaching career.

Teaching in Australia provides an opportunity to experience an incredibly diverse range of educational settings characterised by differing socioeconomic or urban influences or degrees of geographic isolation.

The nature of initial teaching experience may also bring comprehensive support or be contrasted by a perception of professional isolation.

Teacher registration provides an opportunity for teachers, overseas trained and locally graduated, to enter the profession within a predictable framework or knowledge and support, with an understanding of the standards required and a logical pathway to improve their practice through addressing those standards.

The *Australian Professional Standards for Teachers*⁴ provide a consistent and professionally recognised framework against which to measure teacher performance and develop teaching practice. They also provide a basis for teacher recruitment.

3. How can we ensure that registered teachers satisfy the fit and proper person requirement?

The definition of “fit and proper” to teach is one which may vary in interpretation across individual employers and across states and territories.

Essential components to this consideration are:

- there being “no known reason why the individual teacher should not work with children”; and
- no recorded criminal offences or no criminal offences which may be deemed to be inconsistent with the community’s expectations of the standards of the profession.

It is certainly arguable that these are not the only factors which contribute to a person being fit and proper to teach. Examples of additional characteristics which may be more difficult to assess are:

- personal demeanour; and
- capacity to relate to students, their families and their communities.

The mechanisms for assessing the risk of an individual working with children and the criminal records of prospective teachers have inherent vulnerabilities when considering the diverse range of regulators, employers and individual “assessors” across states and territories.

In this context, it is important to note that Australia does not have a national teacher employer or regulatory authority.

⁴ <https://www.aitsl.edu.au/teach/standards>

The assessment of a person's risk for working with children, as conducted by an independent state or territory authority such as the Office of the Children's Guardian in NSW or a public sector department such as the Department of Justice and Regulation in Victoria, exposes any national system of registration to a potential inequity of the consideration of various matters which may contribute to an approval to work with children or conversely a rejection.

While out of the scope of this review, the consideration of all working with children or equivalent checks by a central national authority such as the National Children's Commissioner and its relation to a centralised national teacher registration authority or regime would limit the exposure to differential decisions or determinations across educational jurisdictions.

The sharing of information across educational jurisdictions, in relation to the reasons for a teacher not being approved to teach or ceasing to work with an employer, is currently not consistent, despite the goodwill of Ministers and senior bureaucrats.

Information relating to a teacher's reasons for resigning from a jurisdiction or being terminated are often shrouded in degrees of secrecy, primarily due to privacy laws, or their misinterpretation, across the states and territories.

In some cases, the quality of records maintained by public education jurisdictions, non-government school systems and individual non-government schools does not allow for an adequate provision of advice to potential future employers.

There may also be significant differences across employers in which offences may be deemed to indicate that an individual is not a fit and proper person to teach. Judgements in this regard may be quite subjective and arbitrary.

For example, some questions which may arise for individual teacher employers may be:

- should a teacher who has served time in gaol be allowed to enter or return to the profession?
- does a premeditated crime such as a planned fraud deserve a different determination to that of drug dealing or a crime of violence?
- should the seriousness of a conviction diminish over time?

The differential consideration of these and many other factors relating to criminal offences and convictions for some employers may, through a mechanism of mutual recognition, expose other employers to potential litigation should their decision be not to employ the teacher.

While there is no perfect solution in relation to all of the above aspects of considering whether a person is fit and proper across the myriad of teacher employers across Australia, there is scope for the review to recommend the establishment of a central national mechanism or authority which would co-ordinate the sharing of information, within a confidential and secure framework.

The co-ordination of the sharing of information through a national framework would need to be predicated on all teachers holding a nationally recognised identification number specific to the profession to allow for the tracking of all teachers across jurisdictions and employers. This would have the additional benefit of providing an accurate and comprehensive national teacher workforce dataset, something which has been unachievable to date.

4. Conclusion

The current disparities which may be perceived to exist across the various state and territory registration and accreditation processes for teachers are an artefact of the structure of Australian government and the Australian political system.

While agreements have been reached on national criteria such as the *Australian Professional Standards for Teachers*⁵, the implementation of the standards across all education jurisdictions has been left to the interpretation of Ministers and bureaucracies intent on leaving their own imprint of the standards.

The establishment of a national system for registration or a national registration authority will confront similar challenges, with an inability to deliver consistency across all states and territories.

The recognition of early childhood teachers within a national registration framework is achievable, as has been observed through other enhanced regulatory provisions for that part of the education sector in recent years, and has the likely flow-on effect of providing consistency to the profession.

In the area of being “fit and proper” the likely solution lies in the establishment of appropriate and workable information sharing protocols and processes to allow for better communication between all education employers and regulatory authorities.

Peter S Johnson
Cokehill Consulting
1 May 2018

⁵ <https://www.aitsl.edu.au/teach/standards>